

RESPONSE UNDER 37 C.F.R. § 1.111

Application No.: 10/724,183

Atty Docket No.: Q78725

date of November 29, 2002, based on Japanese priority document 2002-347960. Applicant submits herewith a verified translation of the priority document. As can be seen from the translation, the Japanese priority document fully support all of the recitations of the present claims. Accordingly, Miyake et al can not be used as a reference against the present claims.

In view of the above, applicant requests withdrawal of this rejection.

Claims 1 to 12 have been rejected under 35 U.S.C. § 103(a) as obvious over the combination of Suzuki et al '579 and Arai et al.

Applicant submits that Suzuki et al '579 and Arai et al do not disclose or suggest the subject matter of the present claims and, accordingly, request withdrawal of this rejection.

The Examiner states that Suzuki et al disclose heat transfer elements comprising light-to-heat conversion layers containing polyimide or polyamide binders and infrared absorbing cyanine dyes. The Examiner points that Example 1 of Suzuki et al employs the cyanine dye NK-2014, which according to the Examiner is the same dye as used in Example 2 of the present application. The Examiner asserts that the same dye would inherently and obviously have the same water content.

The Examiner relies on the teachings of Arai et al for a disclosure that the binder for a light-to-heat conversion layer can be polyimide, polyamide or polyamide-imide for binding infrared absorbing dyes, including cyanine dyes. See column 9, lines 8 to 2 of Arai et al for a disclosure of the binders and column 8, last paragraph for a disclosure of cyanine dyes. The Examiner asserts that it would have been obvious to employ the polyamide-imide binder of Arai

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et al in the light-to-heat conversion layers of Suzuki et al instead of the polyimide or polyamide binders that are disclosed in Suzuki et al.

In response, applicants submit that the use of a polyamide-imide binder instead of a polyamide or polyimide binder produces unexpected results. The present specification at page 14 sets forth a discussion of advantageous results that can be achieved by use of a polyamide-imide binder. In support of the fact that unexpected results are obtained by the use of a polyamide-imide binder, applicant encloses herewith a copy of an executed Declaration Under 37 C.F.R. § 1.132 that shows that the present invention achieves unexpected sensitivity results.

In view of the above, applicant submits that Suzuki et al '579 and Arai et al do not disclose or suggest the subject matter of the present claims and, accordingly, requests withdrawal of this rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

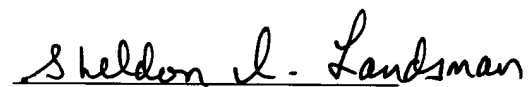
Respectfully submitted,

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**23373**

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